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August 10, 2021

Iowa Pub. Emps.' Ret. Sys. et al. v. Bank of Am. Corp. et al., No. 17-cv-6221 (KPF)

Dear Judge Failla:

Defendants respectfully request leave to file in redacted form and under seal, pursuant to paragraph 9(c)(ii) of this Court's Individual Rules of Practice, Defendants' letter in opposition to Plaintiffs' August 6, 2021 letter motion (Dkt. 446) and related exhibits.

Plaintiffs consented to file their letter motion under seal and to redact the names of the witnesses referenced therein in order to protect the privacy interest of those individuals. (Dkt. 445, 446.) Consistent with *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) and its progeny, names and identifying information related to the declarants should be withheld to protect the declarants' privacy. *Id.* (the court must "balance competing considerations against [the presumption of access]" including "the privacy interests of those resisting disclosure").

Defendants' opposition letter and certain supporting materials quote from and refer to the substance of documents and data designated "Confidential" and "Highly Confidential" under the Parties' January 2, 2019 Protective Order (Dkt. 150). Such materials include trade secrets, other confidential research, development or commercial information, and other private or competitively sensitive information, including personal data. In accordance with Section 9 of the Protective Order, which provides that for "papers containing or making reference to the substance of ["Confidential" or "Highly Confidential"] material or information, [a Party] shall request to file such documents or portions thereof containing or making reference to such material or information in redacted form or under seal", Defendants request that the marked portions of Defendants' letter in opposition and Exhibit G be filed in redacted form. Defendants also ask that Exhibits A-F be filed entirely under seal.

Respectfully,

/s/ Michael A. Paskin

Michael A. Paskin

*Attorney for Defendants Morgan Stanley & Co.
LLC, Prime Dealer Services Corp., and Strategic
Investments I, Inc.*

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
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VIA ECF AND EMAIL

Application GRANTED. The portions of Defendants' submission regarding their opposition to Plaintiff's anticipated motion to compel specified for redaction may be filed under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the pending motion at docket entry 452.

Date: August 11, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE